



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
November 9, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on November 9, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman, John Dwyer Jr, Vice Chairman, Charles Polacco and Jamie Mills.

BOARD/ALTERNATE MEMBERS ABSENT: Mary Jo Wiltshire, Robert Jacobsen, Jonathan Korn, William Tubby.

OTHERS PRESENT: Suzanne Cahill, Planning Director and Kyla Haber, Assistant Planner.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Hillary Harvey – Owns and resides at 26 Abeel Street next door to the proposed Irish Cultural Center. She purchased the property fairly recently and admits that she knew that the Irish Cultural Center was planned for the site next door. She was looking forward to her children being able to take part in some of the classes and her family attending some of the future events. She stated that she initially became concerned with the proposal when she saw someone marking the property with paint, including some of her property. When she inquired about it

she was told that the construction would require an easement onto her property for fencing and digging. She was also told that a stone wall along the property line would be removed. She expressed many concerns with the plan that she wanted to express to the Board. Will the fence be sturdy and well maintained to protect her family from any danger? If digging for the project presents any challenges, is there any chance for drilling that would affect her historic home? Will there be any lights that will be on all night and shine into her home? Will the noise ordinance be adhered to and will the roof garden close down to comply with the noise ordinance? Will the center need access to the property line after construction for maintenance or anything else? Another neighbor had mentioned that during an event, there were people peeing on their property. Parking is an issue, specifically on weekends. Will people be discouraged from parking on the street and will they be directed to park in municipal lots after the ICC lots are full? This property is the only non-residential property on the street. She would like the ICC to be aware that there is a family of 6 living next door. She added that she has received some contradictory information with regard to the project. She was given the number for Arace Electronics a few times as a contact but after calling she was directed to Bob Carey. He told her that everything was approved and that construction would begin in the middle of November but then when she called the Planning Office and the Building Safety Division they told her that no permits have been issued and there are outstanding items that need to be completed.

Kristen Wilson – With regard to a possible shooting gallery at #90 & 92-94 Prince Street (Item #15) K. Wilson stated that she resides at 66 Ravine Street and is the parent of a 3 ½ year old. She works in the public health sector and is surprised that a public hearing was not scheduled. She requests that the Planning Board hold a public hearing. The zoning code allows for a public hearing to be requested by the Planning Board even if it is not required if the project is of wide public interest. She read a portion of an email from Kyla Haber, Assistant Planner, in response to questions asked: *“The board would make their decision based on site details, impacts to the neighborhood, the zoning code, and public input. That being said, this type of use has the potential to spark a debate on the national politics of gun control and gun related issues and concerns, this would not be part of the decision and the planning board meeting would not be the forum to debate these concerns.”* K. Wilson stated that she disagreed with the approach and that she does not want to debate gun control but that the community is dealing with the problem of gun violence. In her neighborhood there was a recent shooting. We need to think about the gaps in State and Federal gun control law. We are a community that is part of a nation that struggles with gun violence. Gun violence is a public health epidemic. She also has some specific questions that she hoped a public hearing would answer. Where will visitors park? What security measures will be in place to protect gun owners walking to and from their cars? What are the risks of gun owners being assaulted resulting in guns being stolen? What are the possibilities of a misguided vigilante due the highly populated location of the gun range? What are the procedures for renting guns at this location? She understands that there is no federal guidelines for renting guns but there may be state. Will this increase the likelihood of a gun ending up in the wrong hands? Does this use of this commercial space in a midtown location create an increased threat to public safety given the national backdrop of gun violence in the community? She does not know the answers to these questions because she doesn't think that the Planning Board sufficiently explored the questions through a public hearing. She respectfully demanded that a public hearing be held. (Written copy was submitted for the record)

Jennifer Schwartz-Berky – resident of 35 Hone Street. Speaking for the first time as legislator elect for Ulster County district and also as a fellow planner. She is frequently reached out to by people asking what their rights are. The planning board has the right to hold a public hearing if the item is of wide public interest and she thinks this is.

Denise Kynoch – She is a corrections officer that needs a certain amount of weapon training each year. She said that she does not want to own her own gun but needs to practice to keep her job. Because she does not want to own a weapon, she is forced to find shooting ranges that offer gun rentals. There are no rental ranges around this area and therefore she has to travel to NYC.

Harold Grunwald – resides at 23 Coffee Place. This issue is of wide public interest because there are many shooters in Ulster County with no indoor shooting range opportunities. People need a place to practice. People getting robbed for their guns leaving the range will not be an issue. Legal weapons are not the issue, criminals are the issue. He knows the building and feels that it is a good location because it is a well populated area with lots of people going by. In Troy there is an indoor range and they do not have an issue of crime at the range. The city needs viable businesses and revenue coming in.

Jonah Meyer – He works next door. There is a constant stream of teenagers coming through the neighborhood to go the high school. People walk dogs through the neighborhood. This is a total outrage that this is being considered. He read a letter from his landlord, Don Grimolizzi, owner of 82 Prince Street. The proposal will negatively affect the rent ability of his property. He thinks there is a place where this type of use could take place but not here. There is opportunity for this on Rte. 28 or someplace less populated rather than a heavily traveled intersection in midtown Kingston.

Ilana Berger – Agreed with the comments of Kristen Wilson. She can't imagine talking about something like this in the middle of the City without a public hearing. Whatever side of the issue you are on you should want to hear what people have to say. Many people do not know that this is even being proposed. (Her child requested the opportunity to show a folder on which she wrote "no gun powder.")

No other members of the public wished to speak. Chairman Platte closed the open public speaking portion of the meeting.

Item #2: Adoption of the October 14, 2015 Planning Board minutes.

Discussion: Chairman Platte asked if the Board had reviewed the minutes and if there were any comments or corrections. The Board made no changes.

Decision: The Board voted unanimously to approve the October 14, 2015 Planning Board minutes. (WP, JM, CP, JD – yes)

PUBLIC HEARINGS:

Item #3: #176 & 178 Broadway LOT LINE REVISION of the Lands of Diane Agustsson. SBL 56.35-3-19 & 20. SEQR Determination. Zone R-6. Ward 8. Diane Agustsson; applicant/owner.

Discussion: No one spoke at the public hearing. The applicants were not present. Staff explained that the proposed lot line revision would result in a number of required variances and easements/agreements. The applicants were directed to apply for the zoning variances prior to seeking approval from the Planning Board.

Decision: The Board voted unanimously to table the application. (WP, CP, JD, JM – yes)

Item #4: #74 Main Street SUBDIVISION of the Lands of Stanley & Kathleen Smith. SBL 56.91-2-4.1. SEQR Determination. Zone O-2. Ward 2. Stanley & Kathy Smith; applicant/owner.

Discussion: No one spoke at the public hearing. Stanley Smith, owner, and Chris Zell, surveyor, were present at the meeting to discuss the proposal.

Staff explained that this application was on the Planning Board agenda for the October meeting but that it was tabled at that time due to a number of issues including required variances, separation of utilities, easements, parking and maintenance agreements, etc.

Since the last meeting, the owner applied for variances with the ZBA and submitted easement and parking agreements. They have also contacted a plumber to deal with the separation of utilities.

Staff advised that if the Board was comfortable in granting approval, a number conditions would need to be attached.

The subdivision will divide two structures along abutting walls. The applicant had said at the previous meeting that the walls were not shared but were built right next to each other. The City's Corporation Counsel advised that an agreement for future ownership in case of the need for maintenance to the walls and/or for other issues that might arise.

Sewer and water services need to be separated for each unit, as well as, any other utilities that may be shared at this time.

C. Zell explained that the structures have an agreement for the use of the parking spaces provided by Historic Stone Houses, Inc., as well as a 9 foot right of way from Pearl Street. The owner had planned to split parking spaces between the two dwellings. Copies of the easement and maintenance agreements will need to be reviewed and found acceptable by the City Corporation Counsel.

The applicant was directed to file an application with the Zoning Board of Appeals because the proposal does not meet the side yard setbacks and maximum lot coverage requirements for the O-2 zone. The front and rear yard setbacks are existing but the side yard is required to be 20ft. and the proposed side yard setback is 0. The maximum lot coverage requirement will be not be

met. Lot 2 will be almost completely covered. Staff has been advised that an application has been filed by C. Zell, PLS on behalf of the owners and they are slated to be heard at the November 17, 2015 meeting.

The applicant was advised the lot line revision does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed.

Written descriptions will need to be submitted for review and approval. The maps submitted for signature should all be signed by the property owner(s).

Decision: The Board voted unanimously to render a negative declaration of significance and to approve the subdivision with the following conditions: separation of services – gas, electric, sewer, and water; obtaining all required variances; approval of easement agreements by the City Corporation Counsel; and Board Policy #6 – signature on final maps by the owner. (WP, JM, JD, CP – yes)

Item #5: #301 Broadway SPECIAL PERMIT renewal to operate a gasoline station. SBL 56.34-8-4. SEQR Determination. Zone C-2. Ward 9. Speedway LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Neil Alexander, attorney with Cuddy & Feder, and Andy Lautenbacher, permit manager with Speedway LLC, were present at the meeting. The application is for renewal of a special permit to operate a gasoline station. The permit was last renewed in 2010 for a period of 5 years. The business was formerly owned and operated as Hess. The stations have since been bought out by Speedway and the business identification signage has changed to identify the new company name.

The applicants stated that there are no changes proposed to the permit. The Board should confirm the number of employees and the hours of operation.

The Board was advised by staff that there have been no complaints with the Building Safety Division. They reviewed the police incident report which showed 24 incidents at this location since January 2015; 8 were motor vehicle incidents, 4 follow up calls, 2 lockouts, suspicious conditions, counterfeit bill, larceny, and personal injury.

A term for the permit was discussed. The most recent term was for 5 years. There is no term limit for this type of use. The Board agreed to another 5 year renewal.

A determination of environmental significance was considered, however, because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a term of 5 years, to expire on November 9, 2020, with all original conditions carried forward. (WP, CP, JD, JM – yes)

Item #6: #456 Albany Avenue SPECIAL PERMIT renewal to operate an animal hospital. SBL 48.74-1-47. SEQR Determination. Zone C-3. Ward 6. Dr. Arnold Rugg; applicant/owner.

Discussion: No one spoke at the public hearing. Dr. Arnold Rugg was present at the meeting. The application is to renew the special permit to operate an animal hospital, which was last reviewed on October 2010 for 5 years. Special permits handled by the Planning office date back to 1986, prior to that they were handled by the ZBA. There is a letter in the file dated October 28, 1948 from the City Engineer discusses the construction of a kennel and hospital.

The Board asked Dr. Rugg how long he had been operating at this location. He responded that he has been operating there since 1980. The original ownership as a veterinary hospital dates back to 1938.

The special permit has not changed. The narrative states that hours of operation are Monday – Friday from 9am – 7pm; Saturday from 9am – 4pm; and closed on Sundays. Staff consists of doctors, technicians, office managers, and kennel workers equaling 10 full time employees and 6 part time employees.

The Board discussed a term for the permit. The previous term was for 5 years. The Board acknowledged the long record of Dr. Rugg's operation with no changes and no issues. They agreed to increase the term of the permit to 10 years with the condition that if the ownership changes within the 10 years, the new owner would need to return to the Board to renew the permit.

A determination of environmental significance was considered. Because the project involves no changes, it may be categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore it is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a term of 10 years to expire on November 9, 2025 with all original conditions carried forward and the condition that any change in ownership within the 10 year term will return to the Board for a permit renewal. (WP, JM, CP, JD – yes)

Item #7: #23 Shufeldt Street SPECIAL PERMIT Renewal to rent out two rooms in an owner occupied residence. SBL 48.82-4-54.100. Zone R-2. Ward 7. Jean Merecka; applicant/owner.

Discussion: No one spoke at the public hearing. Jean Merecka was present at the meeting. The application was for renewal of the special permit to rent two rooms in the property owner's home. Zoning code section 405-12(B)(9) states "renting out of not more than two rooms by resident families, provided that no sign advertising the availability of such rooms shall be displayed." The owner received the original approval in April 2013 for a period of 6 months after which the Board renewed the permit for 2 years.

The applicant confirmed that there are no changes to the permit. The Board confirmed at the April 2012 meeting that the structure is owner occupied which meets the zoning code

requirement for renting rooms. The Assessor's Office has the property listed as having 4 bedrooms and 2 bathrooms. It measures 57.5' wide by 100' deep. The owner provided an interior layout during the original review which showed that one of the rental bedrooms was on the first floor and another was on the second floor. The owner's room is on the second floor also. There are two bathrooms, a family room, a living room, and a kitchen in home as well.

Staff informed the Board that there are no issues listed with the Building Department and there are no police incidents associated with this location for the past year.

There is a driveway on the property to accommodate the home. The zoning code requires 2 parking spaces for single family structures. There are no additional requirements listed for renting rooms within a single family home.

No signage is permitted for this use.

A term for the special permit was discussed. There are no term limits with this type of permit. The initial term was for 6 months with the most recent term for 2 years. The Board agreed to another 2 year term.

A determination of environmental significance was considered. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (26), and therefore is predetermined by New York State to have no environmental impact and no SEQR review of the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 2 years, expiring on November 9, 2017, with all original conditions carried forward. (WP, CP, JD, JM – yes)

Item #8: **#43-45 North Front Street** SPECIAL PERMIT to convert office space to 2 residential apartments. SBL 48.314-2-9. SEQR Determination. Zone C-2, MUOD, Stockade Historic District. Ward 2. Maria Philippis/applicant; Local 47, LLC/owner.

Discussion: No one spoke at the public hearing. Maria Philippis was present at the meeting. The proposal is to convert 2 vacant office spaces above the Techsmiths Computer Shop into apartments. The owner of the building owns and operates Boitson's Restaurant and lives in the apartment above the restaurant.

The Board asked M. Philippis what the reason is for the conversion. She explained that the offices have been recently vacated and that she feels that the space would be more viable as apartments. She said that the plans are to create modern studio loft style apartments. S. Cahill asked if these will be vacation rentals or long term rentals. M. Philippis stated that these will be long term apartments. She added that she now resides in the apartment above Boitson's Restaurant.

The Board asked what will need to be done to the space to create the apartments. She stated that removal of walls and the addition of kitchens and bathrooms will be required. W. Platte informed the owner that final floor plans should be submitted to staff.

Refuse/Recycling – The Board asked how refuse and recycling are handled. M. Philippis stated that she uses City pickup once a week and has a private hauler once a week. She told the Board that this is the way many of the owners deal with refuse uptown. All garbage is containerized and stored within the building until pickup.

Parking – The parking requirement is based on the number of bedrooms. A studio requires 1 space each totaling 2 spaces for the use. This is less than the requirement for office space which is based on square footage.

A term for the special permit was discussed. The term is limited to 1 year initially, after that the Board can issue a longer term if they feel it is warranted. The Board agreed to the 1 year term.

Decision: The Board voted unanimously to declare a negative declaration of environmental significance and to approve the special permit for a period of 1 year to expire on November 9, 2016 with the following conditions: floor plans submitted to staff for review and approval, a Knox Box to be added to the exterior of the building to allow for emergency access by the Fire Dept., and Board Policy 6. (WP, CP, JD, JM – yes)

Item #9: #256 Washington Avenue SPECIAL PERMIT renewal to operate a residential care/assisted living facility. SBL 56.90-4-36. SEQR Determination. Zone R-2. Ward 2. Stockade Group, LLC; applicant/owner.

Discussion: No one spoke at the public hearing. Richard Caggiano was present at the meeting. The application was for renewal of a special permit for the operation of a residential care/assisted living facility known as Chiz's Heart Street. The location operated for years as "Washington Manor". The application was last renewed in September 2014 for 1 year.

Chiz's Heart Street, operates as a 24-hour supervised residential care facility. The original permit was issued in October 2003. In 2006 the operations expanded into the "annex building". At the January 2013 meeting, the Board was informed that the annex was no longer occupied due to unsafe conditions.

At the October 2015 meeting, the owner told the Board that the manager had begun reusing the annex building for additional tenant space. The application was tabled at that meeting to allow staff time to contact the Building Department to obtain information and request that an inspection be performed. Since that time, Housing Inspector Jill Gagliardi and Deputy Chief of the Building Safety Division Tom Tiano, conducted an inspection of the space. J. Gagliardi wrote via email, October 28, 2015:

"Rooms #1, 2, & 3 = 2 occupants per unit; Rooms #4-8 = single occupancy. DC Tiano and myself conducted a safety inspection and the few violations that were found were corrected later that day."
Staff advised the Board that there were no other issues with including the annex in the permit.

M. Chisolm submitted a number of photos to show the residents and the building interior. The Board asked the applicant how many residents are living in both buildings. R. Caggiano stated that he believed it was around 50. He added that M. Chisolm, known as Chiz, has a very strict screening process and that she resides at Chiz's Heart Street. Staff advised that there have been

no complaints with the residence. The Board discussed a term for the Special Permit; zoning section 405-12(B)(11) states that residential care/assisted-living facilities shall not be issued or renewed for a period longer than 1 year. The Board agreed to the full 1 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, NYCRR Part 617.5 (c) (20) and does not require a determination as such.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 1 year to expire on November 9, 2016 with all original conditions carried forward and updated contact information for the site manager submitted to Planning and Building Safety. (WP, CP, JD, JM – yes)

Item #10: #394-400 Foxhall Avenue SPECIAL PERMIT renewal to construct a 2400sf commercial building. SBL 48.302-4-22. SEQR Determination. Zone NB. Ward 6. Michael Piazza; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Piazza was present at the meeting. The applicant was not present at the October 2015 Planning Board Meeting.

The application is to renew the special permit for a 2,400sf, one-story building with 8 parking spaces. The original application indicated that the building would be used for auto repair/stereo installation. Since that time, the owner has stated that he does not have any plans for the building at this time. The owner has not moved forward with any construction at this time. Prior to approval, the zoning district was amended (LL 12 -2011) from an R-2 zone to an NB Neighborhood Business. The lot was previously used as part of the Roberti Auto Dealership for a period of time but has been vacant for a few years since.

The Board asked if there were any plans to move forward with construction. M. Piazza stated that he has not had any real interest in the site. The only recent inquiry he received was for a warehousing use. He had reached out to a plumber but that person was not interested in the site.

W. Platte informed the applicant that the original approval was granted in December 2012 with no progress and no concrete timeline to move forward. With this type of renewal and years of inactivity, the Board generally begins to look at the renewals and consider denial. Denial does not mean that the applicant couldn't come back at a later date, only that the Board would ask for a new application when more definitive plans have been made.

M. Piazza asked the Board to consider renewing the permit for 6 months. He said that he still has one possibility for a tenant and he would like time to pursue it. The Board agreed that if after 6 months there is still no potential tenant and plans for construction, the Board will deny the permit.

The following conditions that have not been met at this time and would be carried forward:

- drywell details submitted and approved by the City Engineer; a cost estimate for site work submitted for determination of a performance bond;

- erosion and sediment control measures included for site work; lighting fixtures approved by staff;
- signage details submitted for approval by the Planning Board.

As well as the following Board Policies which includes a requirement to submit the conditions: #4, 4a, 6, 7, 11, 12, 14, 15, and 19.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 6 months to expire on May 9, 2016 with all original conditions carried forward. (WP, JM, CP, JD – yes)

Item #11: #9 Hone Street SPECIAL PERMIT renewal to renovate an existing structure to create 2 residential apartment units with a 450sf ground level art gallery. SEQR Determination. Zone RT, HLPC, HAC. Ward 8. Michael Piazza; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Piazza was present at the meeting. The application is for renewal of a special permit to establish 2 apartments and an art gallery in an existing structure formerly used as a single family home.

Floor plans and elevations drawn by Paul Jankovitz, AIA, were approved by the Board in December 2014. The ground floor will have a small gallery space with a bathroom and a mechanical equipment room. The 1st floor will be a 1 bedroom unit with a living room, kitchen, bathroom and access to the front porch. The 2nd floor will be a 2 bedroom unit with a rear deck and stairs to the ground.

M. Piazza told the Board that the renovations were almost complete. The application narrative stated that the work would be complete somewhere around November 1-15. The total was about 84% complete at the time of submission, October 21st. Demolition, foundation, framing, roofing, gutters, windows, siding, decks, plumbing, gas lines, electrical/rough, insulation, sheetrock, and painting were all listed as 100% complete. Flooring, cleaning and new doors were not complete. The Board asked if a final inspection was scheduled for a certificate of occupancy. M. Piazza stated that an inspection has not been scheduled at this time.

The Board discussed a term for the special permit. The Board agreed to a 1 year term to allow for completion of the project and giving tenants time to occupy the space. After that time, if there are no issues, the Board can consider an extended term.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on November 9, 2016 with all original conditions carried forward. (WP, CP, JD, JM – yes)

NEW BUSINESS:

Item #12: #440 Albany Avenue SITE PLAN to establish a bottle return business. SBL 48.74-1-49.200. SEQR Determination. Zone C-3. Ward 6. Gurminder Singh Chilana/applicant; Frederick Stiefel/owner.

Discussion: Gurminder Singh Chilana was present at the meeting. He explained that he is seeking approval to establish a bottle return facility at this location. The storefront was previously occupied by a tool rental business which has since closed.

The applicant informed the Board that his business operates under the business name “Bottle Depot” and that he has 5 other locations including New Windsor, 2 in Middletown, Montgomery, and Walden.. He provided the Board with photos of the operations at the other locations to show how the bottles are separated and stored. He added that everything is kept very neat and clean. There will be a customer service counter where visitors can drop off and receive payment. All storage will be kept in the rear of the building and will not be seen by visitors.

W. Platte asked about traffic flow and trucks that will be visiting the site. The applicant said that most of the trucks are smaller box trucks, side loading which are mainly for certain distributors but TOMRA trucks, usually 48ft. tractor trailers, will also pickup about once a week to 10 days. W. Platte asked if the trucks were able to make the turn in the back parking lot to be able to exit. The applicant said that he had them come to the site to make sure that it would work before they decided to pursue this location. Staff informed the applicant that his original, hand drawn, site plan showed parking along the west side of the building but that those spaces actually belong to the neighboring property and will not be part of this application. The applicant agreed and explained that he drew the plan after a visit to the site but later realized that the area was not part of the lease.

S. Cahill asked about the front of the building, noting that the expanse of glass windows makes the interior very visible. The applicant agreed and explained that the front portion of the building will be a service area and would look almost exactly as it is now. All storage will be in the rear of the building and there is a wall that will separate the storage area from view.

The applicant confirmed that all storage will be kept within the building. Storage – Zoning code section 405-39 “Open Storage” states that no unenclosed storage is permitted in any district of the City of Kingston.

The Board asked whether a dumpster will be needed. The applicant said that he will likely need a dumpster for recyclables because there are sometimes bottles that are not eligible for return that are left and also cardboard boxes. Staff advised that the dumpster will need to be enclosed.

The hours of operation are proposed to be 7 days a week from 10am-6:30pm.

Parking requirement for a personal service establishment is 1 space per 200sf of customer service area; wholesale, storage and warehousing requires 1 space per 3000sf or 1 space per employee on the greatest shift. The total requirement for the site would be roughly 4 spaces. There is ample room for parking in the rear of the building.

Photos of proposed signage were submitted. The applicants are proposing to use the same signage as their other locations. The existing sign post will be used.

Board Policy #6 will need to be signed by the owner. In addition Board Policies 10 (use of banners and flags), #11 Window signage limited to 20 percent should be required.

W. Platte requested that a Knox Box be added to the building for emergency access after hours by the Fire Department.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for a bottle return facility with the following conditions: a dumpster enclosure (approved by staff), addition of a Knox Box for emergency access by the Fire Department, signage details submitted to the Planning Office, compliance with Zoning Code section 405-39 regarding no open storage, and Board Policies #6 – signature of owner, 10 – banner and flags prohibited, 11 – window signage limited to 20%, and 19 – compliance with noise ordinance. (WP, CP, JD, JM – yes)

Item #13: **#295 Wall Street** SITE PLAN to expand an existing restaurant into a neighboring commercial space. SBL 48.331-7-3. SEQOR Determination. Zone C-2, Stockade Historic District. Ward 2. Juan Romero/applicant; Base Equity, LLC/owner.

Discussion: Juan Romero, applicant and Khattar Elmassalemah, PE, were present at the meeting. They explained that the proposal is to expand Duo Restaurant at 52 John Street (mailing address) into the corner storefront previously occupied by Bop to Tottom. Multiple storefronts, including the old Bop to Tottom storefronts and the 52 John Street Duo Restaurant, are in the 295 Wall Street building and are under one ownership.

The expansion will be used for additional seating and a bar area. The business has outgrown its current space which only has limited seating.

Floor plans were submitted by Khattar Elmassalemah, PE with Praetorius and Conrad. Half of Bop to Tottom (the portion closest to the corner) will be added to the restaurant while the storefront next to that will remain retail but will be for Duo to sell retail breads and other items.

A parking waiver is being requested due to the increase from the requirement for retail to the requirement for restaurant space. The requirement for retail would be about 4 spaces while the requirement for restaurant would be approximately 17 spaces. The Board agreed to waive the parking based on proximity to municipal parking lots.

The Board asked about refuse and recycling. The applicant stated that there are a number of cans in the rear of the building that are shared by the tenants.

The applicants are aware that the Historic Landmarks Preservation Commission and Heritage Area Commission review are required for any exterior changes including signage and lighting.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for expansion of a restaurant into a retail space with the condition that a Knox Box be in place on the building for emergency access by the Fire Department after hours and Planning Board Policies #6 – signature of owner, 10 – banner and flags prohibited, 11 – window signage limited to 20%. (WP, JM, CP, JM – yes)

OLD BUSINESS:

Item #14: **#20 Cedar Street** SITE PLAN/SPECIAL PERMIT to demolish the existing commercial building and construct mixed use, multi-story building. SBL 56.109-4-2.100. SEQR Determination. Zone O-2, Mixed Use Overlay District. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Discussion: No new information was provided. The Common Council had not voted on the zoning change and therefore the Planning Board agreed to table the application.

Decision: The Board voted unanimously to table the application and place the item on the December 14, 2015 agenda. (WP, CP, JD, JM – yes)

Item #15: **#90 & 92-94 Prince Street** SITE PLAN to establish a shooting range in an existing commercial building. SBL 56.26-9-2.1 & 37. SEQR Determination. Zone C-3. Ward 5. Game Development LLC; applicant/owner.

Discussion: Dr. Adam Soyer, owner, and Scott Dutton, architect, were present at the meeting. Chairman Platte welcomed the applicants and explained to them that at the request of some of the speakers during the public speaking portion of the meeting, the Planning Board would like to hold a formal public hearing on the project. He added that while he was not trying to delay action, he and the Board felt that it was important to allow the public additional time to submit comment. At the October 2015 Planning Board meeting, no one from the public was present and at that time, the Board was able to ask a number of questions and receive a lot of information from the applicants. The Planning Board had discussed the possibility of scheduling a public hearing in depth but it was decided that a hearing not be held because articles had been in the paper and the Planning Office and Board had not received any comments or questions about the project from the public. They also had expressed concern that the issue would result in a debate that would veer off course from the actual application and that speakers would potentially use this as platform for gun control issues.

W. Platte asked if the applicants would be able to present and reiterate the information that the Board received previously to answer some of the questions that were asked by the public. S. Dutton said that they will put together an information sheet with relevant details and explanations. He added that when this project first began, he spoke to the members of the Police Department about it and there was overwhelming support. It is important for officers to maintain their skills. As a resident and father, he said that he is often appalled when opening the newspaper about violence and dog attacks and drunk drivers. He has also been at public hearing where affordable housing is being proposed and people speak out against it. There are many uses that are feared by the public but he asked the Planning Board to consider this proposal as an application and not a debate on what is wrong with state and federal gun control.

The Board agreed to schedule a public hearing for the December 14, 2015 Planning Board meeting.

Decision: The Board voted unanimously to table the application and schedule a public hearing to take place at the December 14, 2015 Planning Board meeting. (WP, CP, JD, JM – yes)

Item #16: **#105 Mary's Avenue** SITE PLAN to construct a 2 story addition, totaling 48,000sf, relocate the helipad, improve and increase the parking lot, and add 3 generators to the hospital campus. SBL 56.41-3-1.110. SEQR Determination. Zone O-2 & RRR. Ward 9. Health Alliance of the Hudson Valley; applicant/owner.

Discussion: No new information was submitted.

Decision: The Board voted unanimously to table the application and place the item on the December 14, 2015 agenda. (WP, JD, CP, JM – yes)